IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

FIRST APPEAL No. 1076 of 1988

For Approval and Signature:

HONOURABLE MR.JUSTICE KS JHAVERI

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NEW INDIA ASSURANCE CO. LTD. - Appellant(s)
Versus
RANJITSINH PARAKRAMSINH RANA & 1 - Defendant(s)

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Appearance :
MR SANDIP C SHAH for Appellant(s) : 1,
NOTICE SERVED for Defendant(s) : 1,
NOTICE UNSERVED for Defendant(s) : 2,

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CORAM : HONOURABLE MR.JUSTICE KS JHAVERI

Date : 31/07/2006

ORAL JUDGMENT

1. By way of this appeal, the appellant has challenged the judgement and award dated 30.03.88 passed by the Motor Accident Claim Tribunal (Auxilliary), Surendranagar in MACP No. 275 of 1984 whereby the Tribunal awarded Rs. 25000/- by way of compensation payable to the original claimants by the original opponents.

2. The original claimant had filed claim petition seeking compensation to the tune of Rs. 25000/- in

respect of the accident which occurred on 03.09.84 when the present respondent no.1-original claimant was travelling in an auto bearing no. GRZ 11 driven by present respondent no.2. At 3.30 pm near Lakhtar Railway Station, the auto tumbled thereby injuring the respondent no.1 and other passengers travelling in it. The Tribunal after hearing the parties passed the aforesaid award.

3. Learned counsel for the appellant has contended that the Tribunal has seriously erred in making the insurance company liable for an amount more than Rs. 15000/- which is more than the limit prescribed by the statute.

4. Heard learned counsel for the parties. I have gone through the award of the Tribunal and the materials placed on record. The Tribunal has relied on the policy of the insurance company which is produced at Exh. 28 wherein in the column with respect to liability with respect to indemnity per one person is not stated. The Tribunal has therefore concluded that there is no limit for paying the compensation under the said insurance policy.

4.1 As regards the contention of the learned counsel with regard to four passengers is concerned, the Tribunal in view of the deposition of the claimant himself that there were only three passengers and in absence of any other proof has not accepted the said contention. Even nothing is produced before this Court to take a view contrary to the one taken by the Tribunal. I am in complete agreement with the reasonings adopted and findings arrived at by the Tribunal and no interference is therefore called for in the matter.

5. In the premises aforesaid, appeal is dismissed. No order as to costs.

(K.S. JHAVERI, J.)

Divya//